

## Article - Criminal Law

[\[Previous\]](#)[\[Next\]](#)

§7-318.

(a) A person who has suffered a specific and direct injury to a right protected by this part because of a violation of § 7-315 of this part may bring a civil action in a court of competent jurisdiction.

(b) The court:

(1) may impose preliminary and final injunctions to prevent or restrain a violation of § 7-315 of this part;

(2) at any time while an action is pending, may order the impounding of any unlawful telecommunication device or access code or unlawful access device that is in the custody or control of the violator and that the court has reasonable cause to believe was involved in the alleged violation of § 7-315 of this part;

(3) may award damages subject to subsection (d) of this section; or

(4) as part of a final judgment or decree finding a violation of § 7-315 of this part, may order the remedial modification or destruction of any unlawful telecommunication device or access code or unlawful access device involved in the violation that is in the custody or control of the violator or that has been impounded under paragraph (2) of this subsection.

(c) This section does not allow the District Court to grant relief under subsection (b)(1) of this section.

(d) (1) Damages awarded by a court under this section may be computed as actual damages suffered by the complaining party as a result of the violation of § 7-315 of this part and any profits of the violator that are attributable to the violation and are not taken into account in computing the actual damages.

(2) In determining the profits of the violator under paragraph (1) of this subsection:

(i) the complaining party must prove only the violator's gross revenue; and

(ii) the violator must prove the deductible expenses and elements of profit attributable to factors other than the violation.

[\[Previous\]](#)[\[Next\]](#)